

STATE OF MICHIGAN  
COURT OF APPEALS

---

CAROLYN LOUISE BECKER,  
Plaintiff-Appellee,

UNPUBLISHED  
February 14, 2003

v

RICHARD GEORGE BECKER,  
Defendant-Appellant.

No. 237541  
Clare Circuit Court  
LC No. 99-900080-DO

---

Before: O’Connell, P.J., and Fitzgerald and Murray, JJ.

MEMORANDUM.

Defendant appeals as of right the judgment of divorce issued after a bench trial. We affirm.

After the court issued its opinion from the bench, plaintiff moved to reopen proofs, asserting that she did not have the opportunity to fully cross-examine defendant. Defendant also moved to reopen proofs, and a stipulation and order was entered allowing further testimony. Plaintiff moved to withdraw her request, and defendant opposed the motion. Treating the matter as a motion for reconsideration, the court denied the motion to reopen the proofs.

This Court will review a trial court’s decision on a motion to reopen proofs for abuse of discretion. *People v Herndon*, 246 Mich App 371, 419; 633 NW2d 376 (2001). Relevant to the ruling is whether any undue advantage would be taken by the moving party and whether there is any showing of surprise or prejudice to the nonmoving party. *People v Collier*, 168 Mich App 687; 425 NW2d 118 (1998).

There is no showing that the trial court abused its discretion. Neither party sought to reopen proofs until after the court issued its opinion. Defendant filed a memorandum identifying the proofs that he wished to offer, and the court was able to review the proofs in light of the evidence presented at trial. There is no showing that defendant was prevented from presenting the additional proofs at trial. The trial court’s action was not inconsistent with substantial justice. MCR 2.613(A).

Affirmed.

/s/ Peter D. O'Connell  
/s/ E. Thomas Fitzgerald  
/s/ Christopher M. Murray